

JOSEPH A. ANDROVICH, SBN 261788
BRELSFORD, ANDROVICH & WHITE
1001 G Street, Suite 301
Sacramento, California 95814
Telephone: (916) 449-1300
Facsimile: (916) 449-1320
Email: jandrovich@baw-attorneys.com

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROSALIE CARLSON,)	CASE NO.
)	
Plaintiff,)	COMPLAINT FOR DAMAGES
)	
v.)	1. Personal Injury - Medical Malpractice
)	
UNITED STATES OF AMERICA; and)	
DOES 1 through 30, inclusive,)	
)	
Defendants.)	
)	

I. JURISDICTION

1. Plaintiff is a citizen of the State of California. Plaintiff is informed and believes, and thereon alleges that each Defendant is a governmental entity, corporation incorporated under the laws of the State of California, with a principal place of business in the State of California, and/or a physician and/or health care provider licensed to practice medicine with the State of California. The matter in controversy, exclusive of interest and costs, exceeds the sum of \$75,000.00.

II. GENERAL ALLEGATIONS

1. The true names and capacities, whether individual, corporate, associate or otherwise, of the Defendants, DOES 1 through 30, inclusive, are unknown to Plaintiff, who therefore sues such Defendants by such fictitious names, and Plaintiff will amend this complaint

1 to show their true names and capacities when the same have been ascertained. Plaintiff is
2 informed and believes and thereon alleges that each of the Defendants, DOES 1 through 30,
3 inclusive, is responsible under law in some manner, negligently, in warranty, strictly, or
4 otherwise, for the events and happenings herein referred to and proximately thereby caused
5 injuries and damages to Plaintiff as herein alleged.

6 2. Plaintiff is now, and at all times herein mentioned was, a citizen of and resident
7 within the State of California, and the Defendants, and each of them, are now, and at all times
8 herein mentioned were, citizens of and residents within the State of California, and the amount
9 in controversy exceeds the minimum jurisdictional limits of the Court.

10 3. Plaintiff is informed and believes and thereon alleges that, at all times herein
11 mentioned, each of the Defendants were the agents, employees, principals or employers of each
12 of the remaining Defendants and were at all times relevant, acting within the course and scope
13 of said relationships and each Defendants have authorized, ratified and approved the acts of each
14 of the remaining Defendants.

15 4. Defendant UNITED STATES OF AMERICA and DOES 1 through 10, and each
16 of them, are now, and at all times herein mentioned were, business entities, as a corporation,
17 association, partnership or other type of business entity, doing business in California, and
18 Plaintiffs will ask leave to insert the correct designation when the same has been ascertained.

19 5. Defendant UNITED STATES OF AMERICA and DOES 11 through 20 at all
20 times herein mentioned were physicians and surgeons practicing in the State of California.

21 6. Defendant UNITED STATES OF AMERICA and DOES 21 through 30 at all
22 times herein mentioned, were nurses, technicians, assistants or other medical practitioners
23 practicing in the State of California.

24 7. Defendant UNITED STATES OF AMERICA is a governmental entity which
25 owns, controls, supervises and/or dictates the actions and policies of the remaining Defendants.

26 8. On or about May 10 2019, Plaintiff filed a Claim for Damage, Injury or Death
27 form (Standard Form 95), with the U.S. Department of Veterans Affairs, pursuant to the Federal
28 Tort Claims Act, 28 U.S.C. § 1346(b), 2401(b), 2671-2680.

1 9. On or about September 11 2019, Plaintiff filed an amended Claim for Damage,
2 Injury or Death form (Standard Form 95), with the U.S. Department of Veterans Affairs,
3 pursuant to the Federal Tort Claims Act, 28 U.S.C. § 1346(b), 2401(b), 2671-2680.

4 **FIRST CAUSE OF ACTION**
5 **(Medical Malpractice Against United States of America and DOES 1 through 30)**

6 10. Plaintiff incorporates by reference paragraphs 1 through 9 as if fully set forth
7 herein.

8 11. On or about March 1, 2018, and thereafter, Defendants, and each of them,
9 impermissibly delayed, failed or were negligent in providing proper care resulting in severe injury
10 to Plaintiff, ROSALIE CARLSON's body.

11 12. On or about March 1, 2018, Plaintiff, ROSALIE CARLSON presented to Open
12 Door Community Clinic and was seen by Jenna Raye Martini, D.O. requiring urgent care and
13 treatment. During the times herein mentioned, the Defendants, and each of them, negligently
14 cared for, diagnosed, and treated Plaintiff and failed to exercise the standard of care and skill
15 ordinarily and reasonably required of physicians, surgeons, hospitals, nurses, etc., which
16 proximately caused the hereinafter described injuries and damages to Plaintiff.

17 13. As a proximate result of the said negligence and carelessness of the Defendants,
18 and each of them, Plaintiff, ROSALIE CARLSON, was hurt and injured in her health, strength
19 and activity, sustaining injury to her body and shock and injury to her nervous system and
20 person, all of which said injuries have caused and continue to cause Plaintiff great mental,
21 physical and nervous pain and suffering. Plaintiff is informed and believes and therefore alleges
22 that said injuries will result in some permanent disability to Plaintiff, all to her general damage
23 in an amount in excess of the minimum jurisdictional limits of this Court.

24 14. As a further proximate result of the negligence of Defendants, and each of them,
25 Plaintiff, ROSALIE CARLSON, was required to and did employ, physicians and surgeons to
26 examine, treat and care for her and did incur, and will in the future incur, medical and incidental
27 expenses. The exact amount of such expense is unknown to Plaintiff at this time, and Plaintiff
28 shall seek leave to amend this pleading when the same has been ascertained by her.

1 15. As a further proximate result of the said negligence of the Defendants, and each
2 of them, Plaintiff, ROSALIE CARLSON, was prevented from attending to her usual occupation,
3 employment opportunities, benefits and advantages, and Plaintiff is informed and believes and
4 thereon alleges that she will thereby be unable to attend to her usual occupation, employment
5 opportunities, benefits and advantages at times in the future, and as a proximate result thereof,
6 will sustain a loss with regard to her past and future wages and benefits, as well as her earning
7 capacity.

8 WHEREFORE, Plaintiff prays for judgment against the Defendants, and each of them,
9 as follows:

- 10 1. For general damages in a sum in excess of the minimum jurisdictional
11 limits of this Court;
- 12 2. For medical and incidental expenses according to proof;
- 13 3. For all costs of suit incurred herein;
- 14 4. For loss of earnings according to proof;
- 15 5. All prejudgment interest on general and special damages from the date
16 of the incident of the present complaint; and
- 17 6. For such other and further relief as this Court may deem just proper.

18 **DEMAND FOR JURY TRIAL**

19 Plaintiff ROSALIE CARLSON demands a trial by jury of all issues so triable pursuant
20 to Rule 38 of the Federal Rules of Civil Procedure.

21
22 DATED: April 20, 2020

BRELSFORD, ANDROVICH & WHITE

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24
25 /s/ Joseph A. Androvich
JOSEPH A. ANDROVICH
Attorneys for Plaintiff
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